

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv23**

GERALD ABATEMARCO, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	<u>ORDER</u>
)	
LEGASUS OF NORTH CAROLINA,)	
LLC, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Defendant Theodore Morlok's Suggestion of Bankruptcy [Doc. 74].

The Defendant Theodore Morlok has filed a notice with the Court that he filed a bankruptcy case under Chapter 7 of the United States Bankruptcy Code on December 21, 2011. [Doc. 74].

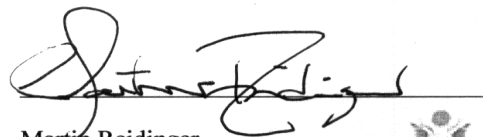
It is well-settled that "[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically." 3 Collier on Bankruptcy ¶ 362.03[3] (16th ed. 2011); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy petition operates as an automatic stay of "the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor").

Accordingly, the Court will consider this action stayed as against Defendant Morlok only. All other claims, counterclaims, and cross-claims pending in this action remain unaffected by this stay.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as against the Defendant Theodore Morlok only.

IT IS SO ORDERED.

Signed: January 6, 2012

A handwritten signature in black ink, appearing to read "Martin Reidinger", written over a horizontal line.

Martin Reidinger
United States District Judge

